

# In the United States Patent and Trademark Office

In re the Application of:

Joshua A. Norrid	)	
Serial Number: 09/963,716	)	Group: 3691
Docket Number: AUS920010667US1	)	Examiner: Stefanos Karmis
Filed on: 09/26/2001	)	
For: "Online Registration and Block	)	
Tracking for Travel Wholesalers,	)	
Agencies and Hotels"	)	

## APPEAL BRIEF

### *Real Party in Interest per 37 CFR §41.37(c)(1)(i)*

The subject patent application is owned by International Business Machines Corporation of Armonk, NY.

### *Related Appeals and Interferences per 37 CFR §41.37(c)(1)(ii)*

None.

### *Status of Claims per 37 CFR §41.37(c)(1)(iii)*

Claims 1 - 18 are finally rejected. The rejections of Claims 1 - 18 are appealed.

### *Status of Amendments after Final Rejections per 37 CFR §41.37(c)(1)(iv)*

No amendments to the claims have been submitted or entered after final rejections.

***Summary of the Claimed Subject Matter per 37 CFR §41.37(c)(1)(v)***

The present invention allows third-party travel arrangement professionals to book and reserve hotel rooms, rental cars, golf tee times, etc., directly into a proprietary or private reservation system while avoiding the necessity to allow the third-party to have access to and compatible equipment with the proprietary or private reservation system. Previous to the invention, such reservations would be made by faxing or emailing a reservation request to a clerk at the target facility, where the clerk would enter the reservation into the private reservation system. The clerk would also determine a commission due to the third-party. This old process was error prone, costly in administration, and uncompetitive in that the third-party professional was not able to confirm reservations without assistance from on-site personnel.

To address this issue, the invention is a reservation system intermediary system which eliminates inventory control issues then-present in revenue-sharing systems. "Inventory" refers to available rooms, seats, vehicles, tee times, etc. The claims specify keeping a synchronized clone of an inventory database, sending a particular booking party (e.g. travel agent, travel administrator for large organization, etc.) to a particular inventory clone, making the reservation in the clone inventory, recording a revenue split with the booking party (e.g. the travel agent or travel administrator), and adding the split to a pool of revenue for the booking party. The contents of the clone are periodically synchronized with the private (main) inventory database, thereby making the reservation without allowing the third part to have access to the actual inventory database, while allowing the reservation to be booked without any special equipment, terminals, etc.

Claim 1 is directed towards an automated method according to the invention for establishing a reservation for a service or product-comprising the steps of:

- (a) periodically synchronizing (para. 0043) a clone inventory database (*Fig. 2 #23, paras. 0022, 0045 - 47*) with an inventory of a reservation management system (*Fig. 2 #16, paras. 0029, 0036, 0039, "Property Management System"*);
- (b) directing a booking party to a set of web objects according to a type of booking party (*Fig. 2 #12, 102, 14, 11, paras. 0022, 0030, 0036, 0047, 0049 - 0051 "content router"*), the web objects being served by a cloned server (*Fig. 2 #23*) having a set of common web objects with a primary site (*Fig. 2 #23*) and a set of web objects unique to said booking party type (*paras. 0030, 0045 - 0048*), and wherein said booking party type is selected from the group of a wholesale booking party, an agent booking party, and a direct customer party (*para. 0022 "types of users" and list a - e of types of booking parties*);
- (c) collecting a reservation data set from said booking party including itinerary and preferences for a customer (*para. 0035 ". . . collects a standardized, uniform set of information", para. 0059; Fig. 3 #37*);
- (d) establishing a reservation in said reservation management system according to said reservation data set if a matching service or product is available according to said synchronized inventory database (*para. 0061, Fig. 3 #301*), said reservation being associated with a customer profile (*para. 0061, Fig. 3 #302*);
- (e) determining a revenue value to be compensated to said booking party (*para. 0062; Fig. 3 #303*); and
- (f) recording said revenue in a revenue pool for said booking party (*para. 0062; Fig. 3 #303*).

Claim 6 is directed towards an article of manufacture of a computer readable medium encoded with software in which the software is configured to cause a processor to perform the steps of:

- (a) periodically synchronizing (para. 0043) a clone inventory database (*Fig. 2 #23, paras. 0022, 0045 - 47*) with an inventory of a reservation management system (*Fig. 2 #16, paras. 0029, 0036, 0039, "Property Management System"*);

- (b) directing a booking party to a set of web objects according to a type of booking party (*Fig. 2 #12, 102, 14, 11, paras. 0022, 0030, 0036, 0047, 0049 - 0051 "content router"*), the web objects being served by a cloned server (*Fig. 2 #23*) having a set of common web objects with a primary site (*Fig. 2 #23*) and a set of web objects unique to said booking party type (*paras. 0030, 0045 - 0048*), and wherein said booking party type is selected from the group of a wholesale booking party, an agent booking party, and a direct customer party (*para. 0022 "types of users" and list a - e of types of booking parties*);
- (c) collecting a reservation data set from said booking party including itinerary and preferences for a customer (*para. 0035 ". . . collects a standardized, uniform set of information", para. 0059; Fig. 3 #37*);
- (d) establishing a reservation in said reservation management system according to said reservation data set if a matching service or product is available according to said synchronized inventory database (*para. 0061, Fig. 3 #301*), said reservation being associated with a customer profile (*para. 0061, Fig. 3 #302*);
- (e) determining a revenue value to be compensated to said booking party (*para. 0062; Fig. 3 #303*); and
- (f) recording said revenue in a revenue pool for said booking party (*para. 0062; Fig. 3 #303*).

Claim 11 is directed to a system for establishing a reservation for a service or product comprising:

a clone inventory database periodically synchronized with an inventory of a reservation management system (*paras. 0022, 0029, 0036, 0039, 0043, 0045 - 0047, Fig. 2 #16, #23*);

a plurality of cloned web sites, each cloned web site having a set of software components in common with a primary web site and being adapted to provide reservation capabilities to a specific type of booking party by having one or more software components unique to said booking party type (*Fig. 2 #23; paras. 0030, 0045 - 0048*);

a content router (*Fig. 2 #12, 102, 14, 11, paras. 0022, 0030, 0036, 0047, 0049 - 0051 "content router"*) configured to provide each of said cloned web sites with said set of common software components, at least one of said software components being configured to collect and validity check reservation request details from a booking party directed to a cloned web site according to a booking party type selected from wholesale party, agent party, and direct consumer party, and configured to confirm available reservations with said reservation management system (*Fig. 2 #23; para. 0022 "types of users" and list a - e of types of booking parties; paras. 0030, 0045 - 0048; para. 0061, Fig. 3 #301, #302*); and

an intermediary system (*Fig. 2 "Octopus" #21*) interfacing said reservation management system (*Fig. 2 #16 "PMS"*) to said cloned web sites, configured to request availability for specific reservations according to said collected reservation request details, and to create specific reservations, to associate said reservations with customer profiles, to determine a revenue amount to be compensated to said booking party, and to record said revenue amount (*paras. 0036 - 0037, 0040 - 0041, 0043, 0047, 0049, 0050 - 0053*).

***Grounds for Rejection For Which Review is Sought per 37 CFR §41.37(c)(1)(vi)***

Appellant respectfully requests review by the Board of the rejections of:

- (a) the rejections of Claims 1 - 18 under 35 U.S.C. §112, first paragraph; and
- (b) the rejections of Claims 1-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent application publication 2002/10156672 A1 to Burko (hereinafter "Burko") in view of U.S. Patent 6,023,679 to Acebo (hereinafter "Acebo").

***Arguments per 37 CFR §41.37(c)(1)(vii)*****Rejections of Claims 1 - 18 under 35 U.S.C. §112, First Paragraph**

In the Office Action, reasoning for rejecting claims 1 - 18 was stated as:

**Examiner in the Office Action:**

*Claims 1-18 are rejected under 35 U.S. f 1 12, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.*

Claim 1. The Examiner's reasoning for rejection of Claim 1 continued:

**Examiner in the Office Action:**

Regarding claim 1, the amended limitation "periodically synchronizing a clone inventory database with an inventory of a reservation management system" is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner can find no mention in the specification of a "clone inventory database." Furthermore, the only synchronization mention in the specification synchronizes a copy of the available rooms database from the Property Management System to the Octopus (paragraph 0056; see U.S. Publication 2003/006 1 145). Therefore there is not an adequate written description to support "periodically synchronizing a clone inventory database with an inventory of a

reservation management system" and therefore this limitation is not considered when interpreting the claim.

Appellant respectfully disagrees. Two different claim terms can be synonymous with each other. *Bancorp Serv., LLC v. Hartford Life Ins. Co.*, 359 F.3d 1367, 69 USPQ2d 1996 (Fed. Cir. 2004). The claims are part of the specification because 35 U.S.C. §112 requires "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." Thus, because two different claim terms can be synonyms, and because the claims are part of the specification", then a term in the specification can be a synonym with a term from the claim. For these reasons, the Examiner's approach of searching for exact claim terminology in the specification, and rejecting claims when the exact terminology is not found is improper. Appellant submits that the claim term "clone inventory database" is synonymous with terminology from the specification (emphasis added by Applicant):

*Applicant's Disclosure:*

[0002] The hospitality industry has undergone many changes in its reservation and booking procedures with the advent of the Internet. Large "chain" and franchise hotels frequently operate proprietary reservation systems that are Internet-based, including websites where travel agents and individual travelers may obtain quotes, property information, and book reservations.

...

[0006] The agent then contacts the GDS system 14, either through a web-based portal or through a proprietary terminal arrangement, to make the reservation. The GDS system 14 forwards the information and reservation request to a switch 15, which forwards the reservation to the appropriate hotel's Property Management System (PMS) 16 to be logged, thus taking the available room or rooms out of available inventory in the PMS.

...

[0010] Unfortunately, there is no standardized format or template for information that the agent must collect, which means some important details of the clients' wants and needs may be overlooked. Also, the agent could forget details about the hotel, such as the lack of an ocean

view, or a no-pets policy, for example, which might also cause difficulties in communication of the clients' preferences. The most pressing communication problem is, however, the inability of agents to dynamically review the available inventory of the hotel. Agents may make reservations for rooms in a hotel that is already fully booked, or for rooms (the honeymoon suite, for example) that are already reserved.

[0011] These independent hotels typically receive their reservations directly from the agents, usually by fax 18, as shown in Fig. 1. Employees of the hotels are responsible for entering the visitor's information, preferences and other data into the hotel's PMS in order to confirm the reservation and remove the room from available inventory. The success of this process is highly dependent on the thoroughness of the agent in collecting and forwarding the traveler's preferences and personal information, as well as the accuracy and thoroughness with which the hotel employee enters the information into the PMS system.

...

[0022] A primary web server is provided to allow direct access to the hotel's booking service, and a content router is used to duplicate portions of the primary web server's content to "clone" sites.

...

[0043] The rates and availability datastore 200 also includes a "snapshot" of the room availability taken from the Hotel PMS 16 on a periodic basis, according to the preferred embodiment. This reduces the amount of availability transactions posted to the PMS 16 by occasionally updating or synchronizing a copy of the available rooms database from the PMS to the Octopus.

...

[0045] The invention provides several web sites 23, each site having common content with the others and some custom content for the intended user. For example, there may be a primary web site which is generic in content. A first "clone" site may contain the common content with some customized content to provide information specific to travel agents and wholesalers 12.

[0046] A second clone site may be provided with the common content and specialized information for the dot-com TA/WS parties 102. Likewise, other clone sites may be provided targeted for access by "frequent guests" and GDS partners.

...

[0052] A software component on the web site 23 may display this quote to the booking party, and allow the booking party to confirm the reservation. If the reservation is confirmed, the software component transmits a confirmation notice to the Octopus 21, which then confirms the reservation with the PMS 16, taking the room or rooms out of **available inventory** and associating all of the guest profile information with that reservation. . . .

Thus, an "available rooms database" is an example of, and synonymous with, an "inventory database", where "inventory" is a term well-known in the reservation industry to describe a set of reserved and unreserved resources (rooms, cars, seats, appointments, etc).

And, a "clone site" is referring to a substantial duplicate of an entire reservation web site (e.g. a PMS for hotel applications), which of course includes an inventory database. The use of the term "clone" and "clone site" in this context is consistent with the normal use of the term in the industry:

**Dictionary:**

**clone** A clone, as a noun, is a person or thing that duplicates, imitates, or closely resembles another in appearance, function, performance or style. A clone, as a verb, means to produce an exact copy of. There are many different "clones" in the telecommunications and PC business. A cloned PC is the same as another one. . . . (Source: Newton's Telecom Dictionary, 18<sup>th</sup> Edition, by Harry Newton, 2002, pg. 163)

**site** Short for *Web Site*. (Source: Random House Webster's Computer & Internet Dictionary, Third Edition, by Philip E. Margolis, pg. 509)

**web site** Any machine on the Internet that is running a Web Server to respond to requests from remote Web Browsers is a Web Site. In more common usage it refers to individual sets of Web Pages that can be visited with Web Browsers. The front page of a Web site is called its home page. It is also spelled as one word, namely website. (Source: Newton's Telecom Dictionary, 18<sup>th</sup> Edition, by Harry Newton, 2002, pg. 822)

"Synchronizing" of two databases is a well known process in which the contents of the two databases are made to be the same or equivalent. In Appellant's manner of usage of the term, synchronization is a method for "cloning" the inventory database of the primary website (e.g. the inventory database of the reservation website) (emphasis added by Applicant):

*Applicant's Disclosure:*

[0043] The rates and availability datastore 200 also includes a "snapshot" of the room availability taken from the Hotel PMS 16 on a periodic basis, according to the preferred embodiment. This reduces the amount of availability transactions posted to the PMS 16 by occasionally updating or **synchronizing a copy of the available rooms database from the PMS to the Octopus.**

*Dictionary:*

**synchronize** The word synchronize means "to cause to match exactly." When you're synchronizing, you're causing one file on one computer to precisely match another one on another computer. . . . (Source: Newton's Telecom Dictionary, 18<sup>th</sup> Edition, by Harry Newton, 2002, pg. 713)

As such, Appellant respectfully submits that the Examiner erred in rejecting Claim 1 for failing to interpret the claims in light of the specification and in light of well-known definitions for the claim terminology:

*Federal Circuit regarding Interpretation of Claim Terms in view of Inventor's Disclosure:*

"Importantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification."

. . .

"For that reason, claims must be read in view of the specification, of which they are part . . . [T]he specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term . . . "

"Consistent with that general principle, our cases recognize that the specification may reveal a special definition given to a claim term by the patentee that differs from the meaning it would otherwise possess. In such cases, the inventor's lexicography governs. . . . In other cases, the specification may reveal an intentional disclaimer, or disavowal, of claim scope by the inventor. In that instance as well, the inventor has dictated the correct claim scope, and the inventor's intention, as express in the specification, is regarded as dispositive." *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc).

Ordinary Skill Level Not Established. Further, the Examiner has proposed that it would not be conveyed by the disclosure to one of ordinary skill in the art that the Appellant has possession of the invention. However, the Examiner has not established what level of skill is deemed to be ordinary, and thus the *prima facie* case of non-enablement under §112, first paragraph, is not properly established.

Appellant respectfully submits that one of ordinary skill in art would be a person having ordinary skill level in database programming, computer networking, web site design and provisioning, as well as reservation system design. It is proper to define an ordinary skill level which is multi-disciplinary in nature. *In re Naquin*, 398 F.2d 863, 158 USPQ 317 (C.C.P.A. 1968).

Such a skilled person in these multiple areas would understand the meaning of "clone", "inventory database", "clone inventory database", and "periodically synchronizing".

Further, in the reasoning for the rejection of Claim 1, it was stated:

Examiner in the Office Action:

Continuing with claim 1, the amended limitation the "web objects being served by a cloned server having a set of common web objects with a primary site and set of web objects unique to said booking party type, and wherein said booking party type is selected from the group of a wholesale booking party, an agent booking party, and a direct customer party" is not

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner can find no mention in the specification of a cloned server. Instead there appears to be a primary web server and a content router

that duplicates's portion of a primary web server to a clone site (paragraph 0027). The Examiner also cannot find support for a web object unique to said booking party. The only unique discussion in the specification is related commissions and fees (paragraph 0055), which don't appear to conform to a web object. The Examiner also cannot find support for having the booking party selected from the group of a wholesale booking party, an agent booking party and a direct customer party. For at least these reasons, there is not an adequate written description to support the web objects being served by a cloned server having a set of common web objects with a primary site and set of web objects unique to said booking party type, and wherein said booking party type is selected from the group of a wholesale booking party, an agent booking party, and a direct customer party and therefore this limitation is not considered when interpreting the claim.

Appellant respectfully disagrees. As with the first portion of the rejection, the Examiner has not established what level of skill is being considered ordinary in this situation, so a *prima facie* case of non-enablement under §112 has not been establish. One must have this level of skill determined before one can postulate what such a person would have understood and would not have understood. Applicant respectfully submits that one skilled in the arts as argued in the foregoing paragraphs would easily understand these claim terms in the context of the disclosure.

With respect to the Examiner's comment "[t]he Examiner can find no mention in the specification of a cloned server", please refer to the foregoing citations from Appellant's disclosure and the foregoing extrinsic definitions regarding clones and web sites. Web sites inherently include a server (para. 0022 "primary web server" and "clone sites"), where the clone servers are substantial duplicates of the primary server with some customized content for each user group (para. 0030 "[t]he hotel utilizes a content router to copy the contents of a primary hotel web server to additional servers, each of which is customized for the group that will be accessing the site").

Further, Appellant's disclosure has clearly broken the users into groups as "booking parties" (para. 0022 "[e]ach clone site may be tailored to provide dynamic content for the differing types of users, one clone site for each of: (a) private individuals (e.g. travelers booking directly themselves); (b) travel agents; (c) travel wholesalers; (d) GDS-based systems; and (e) "dot com" wholesalers."). By "wholesale booking party", Appellant is simply referring to "travel wholesalers" and "dot com" wholesalers", as disclosed. By "agent booking party", Appellant is referring a "travel agent" as disclosed. And, by "direct customer", Appellant is referring to "private individuals", as disclosed. Appellant respectfully submits that it is within the skill of

those in the art to recognize these synonymous terms, and that the claim terms do not have to match the disclosure terms exactly.

Claims 6 and 11. The Examiner applied the same reasoning to Claims 6 and 11 as applied to Claim1 for the rejection of independent Claims 6 and 11, thus rejecting all claims 1 - 18 under 35 USC §112, first paragraph.

Appellant therefore respectfully submits that the Examiner has erred by not considering these claim terms and phrases as specifically stated in the Office Action:

*Examiner in the Office Action:*

Therefore the claims are interpreted without these limitations since it would not be obvious to one of ordinary skill in the art to modify the specification to include these limitations.

As shown in the foregoing paragraphs, synonymous phrases and terms in the disclosure corresponding to the terms and phrases in the claims are not only proper, but are understandable by one of ordinary skill in the relevant arts.

Appellant respectfully requests reversal of the rejections of Claims 1 - 18 under 35 USC §112, first paragraph.

**Rejections under 35 USC §103(a)**

In the Office Action, Claims 1 - 18 were rejected under 35 USC §103(a) as being unpatentable over Burko in view of Acebo.

Examiner-Admitted Nonobviousness of Disregarded Claimed Terms and Limitations. In evaluating the rejections under §112, first paragraph, the Examiner set aside several elements of the claims, as stated. The Examiner also stated, however, that those elements would not have been obvious to combine into the specification (emphasis added by Applicant):

*Examiner in the Office Action:*

Therefore the claims are interpreted without these limitations since it **would not be obvious** to one of ordinary skill in the art to modify the specification to include these limitations.

Thus, if those elements which were set aside and disregarded by the Examiner are truly disclosed in the specification, then the claims are non-obvious as well. It would be improper and illogical to hold that it would not be obvious to modify Appellant's disclosure in certain ways for the purposes to reject the claims under §112, first paragraph, but then to hold that these very same changes and modifications would be obvious for the purposes of a rejection under §103(a).

Burko is Not Prior Art. In the reasoning for the rejections of Claims 1, 6, and 11, it was stated that Burko teaches the claim element "directing a booking party to a set of web objects according to the type of booking party" at page 4, paragraph 0047 and 0050 and page 5, paragraph 0054.

Appellant challenged the availability of Burko as prior art in the response to the first Office Action, pointing out that Burko's published patent application was filed on March 15, 2002, which is *after* Appellant's filing date of September 26, 2001. Burko's patent application claims priority to provisional U.S. patent application 60/276,528. Applicant challenged whether or not the relied upon portions of Burko's non-provisional patent application (page 4, paragraph 0047 and 0050 and page 5, paragraph 0054) were supported by the provisional application.

The Examiner erred by failing in the final Office Action to establish where support for page 4, paragraph 0047 and 0050 and page 5, paragraph 0054, is found in the provisional patent application. Appellant has appended Burko's provisional patent application to this Appeal Brief, and invites the Board to try to find the text of paragraphs 0047, 0050 and 0054 in it. It simply is not there. Even a cursory comparison of the two documents reveals very little similarity in the text and figures.

For example, considering Burko's paragraph 0047:

*Burko's Non-provisional Application:*

[0047] With reference now to FIG. 3, a flow chart is illustrated that provides a representative method for systematically interacting with a customer. In FIG. 3, execution begins at step 80, where a customer accesses a general website, such as by selecting an electronic link or otherwise using a uniform resource locator ("URL"). At step 82, the type of language that is to be used is identified. For example, the website may allow the customer to select the type of language that will be used when interfacing with the customer. Therefore, each customer may interface with the system of the present invention in hisher native tongue. Execution then proceeds to decision block 84 in order to determine whether or not the customer is a new customer.

This paragraph refers to a flowchart (Fig. 3) and describes it. But, Burko's provisional patent applications contains no flowcharts whatsoever. Appellant has word searched the provisional application's text phrases from this paragraph, and they apparently do not exist in the provisional patent application. Therefore, the relied-upon paragraph 0047 and Figure 3 from Burko is not supported by the provisional patent application, and thus Burko is not prior art for this aspect of its teachings.

Moving to Burko's paragraph 0050 which was relied upon for the rejection:

*Burko's Non-provisional Application:*

[0050] At step 100, the customer account is provided along with a variety of options that may be performed, such as the ability to access information, provide information,

schedule an appointment, modify an appointment, and the like. Therefore, at decision block 102, a determination is made as to whether or not the customer desires to access information. The information may include when an appointment is to occur, billing information, or any other information that may be useful to a customer. If it is determined that the customer desires to access information, execution proceeds to step 104, where the information is provided to the customer and then to decision block 106. Alternatively, if it is determined at decision block 102 that the customer does not desire to access information at this time, execution proceeds directly to decision block 106.

This paragraph is referring to steps in Figure 3, as well, which is the flowchart that does not appear in the provisional patent application. And, the relied-upon paragraph 0054:

*Burko's Non-provisional Application:*

[0054] In FIG. 4, execution begins at step 120 where a customer category is identified. Information relating the customer may be obtained from the customer and/or pulled from the customer account to determine the customer category as a factor for prioritizing the appointment. For example, an immediate family member of the professional or one that has paid for a preferred status may receive a higher priority. Other customer category information may include the customer's insurance or history to pay the professional, and other such information relating to the customer that may provide for prioritization. At step 122, an appointment category is identified as a factor for prioritization. For example, in the healthcare industry, an emergency visit may be given a higher priority over a scheduled checkup. In other industries, a short deadline, the type of service being scheduled, or other information relating to the service or appointment may provide a preferred status.

This paragraph refers to Figure 4, another flowchart which does not appear in the provisional patent application. And, for example, the term "customer category" which appears

paragraph 0054 does not appear in the provisional patent application.

As a result, Burko fails to be supported as prior art for teaching Appellant's first claim element "directing a booking party to a set of web objects according to the type of booking party". Appellant respectfully submits that the Examiner has erred by failing to establish prior art status and support for the relied upon text, thus the rejections are improper.

Regarding the second claim element "collecting a reservation data set from said booking party including itinerary and preferences for a customer", the Examiner has proposed that Burko's non-provisional application teaches this at paragraph 0056. However, in a similar analysis, paragraph 0056 describes steps shown in Figure 4 flowchart, and neither this description or flowchart appear in the provisional application. Thus, Burko is not prior art for this element of the claims, either. Appellant respectfully submits this is an error in examination.

Regarding the third claim element "establishing a reservation in said management system according to said reservation data set if a matching service or product is available, said reservation being associated with a customer profile", the Examiner has proposed that Burko's non-provisional application teaches this at paragraphs 0057 - 0058. However, in a similar analysis, paragraphs 0057 - 0058 describe steps shown in Figure 4 flowchart, and neither this description or flowchart appear in the provisional application. Thus, Burko is not prior art for this element of the claims, either; Appellant respectfully submits this is an error in examination.

With respect to the fourth claim element "determining a revenue value to be afforded to said booking party", the Examiner has proposed that Burko's non-provisional application teaches this at paragraphs 0058. However, in a similar analysis, paragraph 0058 describes steps shown in Figure 4 flowchart, and neither this description or flowchart appear in the provisional application. Thus, Burko is not prior art for this element of the claims, either.

Fee Afforded to Booking Party not the same as Fee Due to Hotel, Doctor, etc. The Examiner has proposed that Burko's fee is the same as the claimed fee, but Appellant respectfully disagrees. Appellant has claimed a fee credited to or paid to the booking party. In Burko's situation (a doctor's appointment book), a fee would not be paid to the booking party as Appellant has claimed (e.g. to the patient in Burko's model), but instead, Burko's system pays the fee to the doctor. This flow of fees is opposite of what Appellant has claimed, and thus Appellant respectfully submits this is an error in examination.

Improper Examination of Unamended Claims, Improper Disregard of Claim Terms.

As set forth in the Office Action, the Examiner has specifically stated that the amendments were disregarded and set aside, and the wording quoted in the rejections of the claims indicates that the amendments to the claims were not considered. Appellant respectfully submits that this was an error in examination:

37 CFR 1.112. Reconsideration before final action.

After reply by applicant or patent owner (§ 1.111 or § 1.945) to a non-final action and any comments by an inter partes reexamination requester (§ 1.947), the application or the patent under reexamination will be reconsidered and again examined. . . .

Examination is Complete, Non-obviousness Established. The Examiner has already noted that the disregarded claim elements would have been unobvious. And, the Examiner is required to have already considered the best art available, which has been shown not to qualify as prior art:

37 CFR 1.104. Nature of examination.

\*\*\*\*\*

(c) Rejection of claims.

. . .

(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

Therefore, examination should be complete as the Office has made its decision final and closed prosecution. Appellant therefore requests allowance of Claims 1, 6, and 11.

Claims 2 - 5, 7 - 10, and 12 - 18. Claims 2 - 5 depend from Claim 1, 7 -10 from Claim 6, and 12 - 18 from Claim 11. The Examiner has erroneously relied upon the teachings of Burko as stated in the foregoing paragraphs for teachings which do not qualify as prior art, has disregarded claim elements which are fully supported by Appellants disclosure, and has agreed to the non-obviousness of the disregarded claim elements.

Therefore, as dependent claims, Claims 2 - 5, 7 - 10, and 12 - 18 are not rendered obvious by Burko in view of Acebo. Appellant respectfully requests allowance of Claims 2 - 5, 7 - 10 and 12 - 18.

Respectfully,



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**Claims Appendix**  
*per 37 CFR §41.37(c)(1)(viii)*

**Clean Form of Amended Claims**

Claim 1 (previously presented):

A method for establishing a reservation for a service or product comprising the steps of:

periodically synchronizing a clone inventory database with an inventory of a reservation management system;

directing a booking party to a set of web objects according to a type of booking party, the web objects being served by a cloned server having a set of common web objects with a primary site and a set of web objects unique to said booking party type, and wherein said booking party type is selected from the group of a wholesale booking party, an agent booking party, and a direct customer party;

collecting a reservation data set from said booking party including itinerary and preferences for a customer;

establishing a reservation in said reservation management system according to said reservation data set if a matching service or product is available according to said synchronized inventory database, said reservation being associated with a customer profile;

determining a revenue value to be compensated to said booking party; and

recording said revenue in a revenue pool for said booking party.

Claim 2 (original):

The method as set forth in Claim 1 wherein said step of directing a booking party to a set of web objects comprises a step selected from the group of providing a plurality of Universal Resource Locators, web addresses, and subdomains, each being tailored to the needs of a booking party type.

Claim 3 (original):

The method as set forth in Claim 1 further comprising a step of allowing said booking party to create a new customer profile.

Claim 4 (original):

The method as set forth in Claim 1 further comprising the step of allowing said booking party to modify an existing customer profile.

Claim 5 (original):

The method as set forth in Claim 1 where in said step of establishing and associating said reservation with a customer profile comprises a step selected from the group of establishing a hotel reservation, reserving a travel ticket, booking a rental car, reserving a golf tee time, reserving an entertainment ticket, and reserving products due for future availability.

Claim 6 (previously presented):

A computer readable medium encoded with software for establishing a reservation, said software causing a computer to perform the steps of:

periodically synchronizing a clone inventory database with an inventory of a reservation management system;

directing a booking party to a set of web objects according to a type of booking party, the web objects being served by a cloned server having a set of common web objects with a primary site and a set of web objects unique to said booking party type, and wherein said booking party type is selected from the group of a wholesale booking party, an agent booking party, and a direct customer party;

collecting a reservation data set from said booking party including itinerary and preferences for a customer;

establishing a reservation in said reservation management system according to said reservation data set if a matching service or product is available according to said synchronized inventory database, said reservation being associated with a customer profile;

determining a revenue value to be compensated to said booking party ; and recording said revenue in a revenue pool for said booking party.

Claim 7 (original):

The computer readable medium as set forth in Claim 6 wherein said software for directing a booking party to a set of web objects comprises a step selected from the group of providing a plurality of Universal Resource Locators, web addresses, and subdomains, each being tailored to the needs of a booking party type.

Claim 8 (original):

The computer readable medium as set forth in Claim 6 further comprising software for allowing said booking party to create a new customer profile.

Claim 9 (original):

The computer readable medium as set forth in Claim 6 further comprising software for allowing said booking party to modify an existing customer profile.

Claim 10 (original):

The computer readable medium as set forth in Claim 6 wherein said software for establishing and associating said reservation with a customer profile comprises software for performing a step selected from the group of establishing a hotel reservation, reserving a travel ticket, booking a rental car, reserving a golf tee time, reserving an entertainment ticket, and reserving products due for future availability.

Claim 11 (previously presented):

A system for establishing a reservation for a service or product comprising:

- a clone inventory database periodically synchronized with an inventory of a reservation management system;
- a plurality of cloned web sites, each cloned web site having a set of software components in common with a primary web site and being adapted to provide reservation capabilities to a specific type of booking party by having one or more software components unique to said booking party type;
- a content router adapted to provide each of said cloned web sites with said set of common software components, at least one of said software components being configured to collect and validity check reservation request details from a booking party directed to a cloned web site according to a booking party type selected from wholesale party, agent party, and direct consumer party, and configured to confirm available reservations with said reservation management system; and
- an intermediary system interfacing said reservation management system to said cloned web sites, configured to request availability for specific reservations according to said collected reservation request details, and to create specific reservations, to associate said reservations with customer profiles, to determine a revenue amount to be compensated to said booking party, and to record said revenue amount.

Claim 12 (original):

The system as set forth in Claim 11 wherein said software components comprise a software component adapted to collect a customer profile data set from a booking party and to create a customer profile in said management system.

Claim 13 (original):

The system as set forth in Claim 11 wherein said software components comprise a software component adapted to retrieve an existing customer profile data set from said management system and to modify said customer profile by a booking party.

Claim 14 (original):

The system as set forth in Claim 11 wherein said intermediary system is adapted to interface to said management system through terminal emulation.

Claim 15 (original):

The system as set forth in Claim 11 wherein said intermediary system is adapted to interface to a management system selected from the group of a hotel reservation system, a travel ticket reservation system, a rental car reservation system, a golf tee time reservation system, an entertainment ticket reservation system, and reservation system for products due for future availability.

Claim 16 (previously presented):

The method as set forth in Claim 1 wherein said reservation management system is selected from the group of a hotel reservation management system, a travel reservation management system, and a vacation reservation management system.

Claim 17 (previously presented):

The computer readable medium as set forth in Claim 6 wherein said reservation management system is selected from the group of a hotel reservation management system, a travel reservation management system, and a vacation reservation management system.

Claim 18 (previously presented):

The system as set forth in Claim 11 wherein said reservation management system is selected from the group of a hotel reservation management system, a travel reservation management system, and a vacation reservation management system.

**Evidence Appendix***per 37 CFR §41.37(c)(1)(ix)*

No evidence has been submitted by applicant or examiner pursuant to 37 CFR §§1.130, 1.131, or 1.132. For the convenience of the Board, Burko's provisional patent application is reproduced here.

1047 U.S. PTO  
10/91/01

03-19-01

A/PROV

Please type a plus sign (+) inside this box → 

PTO/SB/16 (8-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PROVISIONAL APPLICATION FOR PATENT COVER SHEET**

This is a request for filing a PROVISIONAL APPLICATION FOR PATENT under 37 CFR 1.53(c).

U.S. PTO  
1047 U.S. PTO  
10/91/01  
528**INVENTOR(S)**

Given Name (first and middle [if any])  Benjamin	Family Name or Surname  Burko	Residence (City and either State or Foreign Country)  417-3620 Ridgewood Montreal, Quebec, CANADA H3V 1C3
--	-------------------------------------	---

Additional inventors are being named on the \_\_\_\_\_ separately numbered sheets attached hereto

**TITLE OF THE INVENTION (280 characters max)****METHOD FOR INTEGRATED SCHEDULING**

Direct all correspondence to:

**CORRESPONDENCE ADDRESS**

Customer Number



Place Customer Number  
Bar Code Label here

OR

Type Customer Number here

<input checked="" type="checkbox"/> Firm or Individual Name  Michael M. Conger				
Address  KIRTON & McCONKIE				
Address  1800 Eagle Gate Tower, 60 East South Temple				
City  Salt Lake City	State  UT	ZIP  84111		
Country  U.S.	Telephone  (801) 328-3600	Fax  (801) 321-4893		

**ENCLOSED APPLICATION PARTS (check all that apply)**

<input checked="" type="checkbox"/> Specification Number of Pages  21	<input type="checkbox"/> CD(s), Number  <input type="text"/>
<input type="checkbox"/> Drawing(s) Number of Sheets  <input type="text"/>	<input type="checkbox"/> Other (specify)  <input type="text"/>
<input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	

**METHOD OF PAYMENT OF FILING FEES FOR THIS PROVISIONAL APPLICATION FOR PATENT (check one)**

<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	FILING FEE AMOUNT (\$)
<input checked="" type="checkbox"/> A check or money order is enclosed to cover the filing fees	<input type="text"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge filing fees or credit any overpayment to Deposit Account Number  50-0843	<input type="text"/>
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.	\$75.00

The invention was made by an agency of the United States Government or under a contract with an agency of the United States Government.

No.  
 Yes, the name of the U.S. Government agency and the Government contract number are \_\_\_\_\_

Respectfully submitted,

SIGNATURE

Date

03/16/01

TYPED or PRINTED NAME Michael M. Conger

REGISTRATION NO.

43,562

(if appropriate)

Docket Number:

10402.2

TELEPHONE (801) 328-3600

**USE ONLY FOR FILING A PROVISIONAL APPLICATION FOR PATENT**

This collection of information is required by 37 CFR 1.51. The information is used by the public to file (and by the PTO to process) a provisional application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the complete provisional application to the PTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Box Provisional Application, Assistant Commissioner for Patents, Washington, D.C.

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Benjamin Burko

Docket No.

10402.2

Serial No.  
not yet assignedFiling Date  
not yet assignedExaminer  
not yet assignedGroup Art Unit  
not yet assignedU.S. PTO  
60/276528  
03/16/01

Invention:

**METHOD FOR INTEGRATED SCHEDULING**

I hereby certify that this \*see below  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under

37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on  
March 16, 2001  
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**Michael M. Conger**

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(Signature of Person Mailing Correspondence)

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Provisional Application for Patent Cover Sheet (1 pg.)  
Check No. 36923 for \$325.00  
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Postcard

**Dr. Benjamin Burko**  
417-3620 Ridgewood, Montreal, Quebec, Canada. H3V 1C3  
514-685-3531 x 287 [benjamin.burko@videotron.ca](mailto:benjamin.burko@videotron.ca)

### Preamble

The healthcare system has many problems including serious limitations on available budgets and resource allocation. It has reached the breaking point where there are not enough physicians and nurses in the system to support that system, and patient-care has been jeopardized.

Despite being a "service-industry", simple aspects for service provision to patients in the area of appointment-making have often been described as frustrating and unnecessarily time consuming. In some instances in hospital-based ambulatory clinic settings, it may take up to two weeks of trying to get through to an appointment desk by telephone in order to secure a medical visit.

Physician and nurse "burn-out" is at an all-time high and the ability for medical facilities to recruit and retain physicians and nurses is extremely challenging for healthcare administrators. Part of these stresses relate to physicians' "rule sets" regarding appointment making, or the lack of "humane" appointment scheduling rules. When "scheduling rules" are present, they are too often violated by reception staff who do not have automated implementation of these rules, or an easy facility to look them up. As a result, too many patients are booked per unit time, resulting in long waiting times in waiting rooms. Other problems include:

- Patients arriving unprepared for visits that require certain pre-requisites.
- Patients who truly need and deserve a semi-urgent appointment, cannot receive one for months.
- Patients who do not have Insurance or Medicare coverage receive appointments, for which the physician or healthcare institution are never compensated.
- Medicare Billing Errors
- Demographic (Database) errors, resulting in the inability to reach a patient when a wrong telephone number is present.
- The inability for physicians to verify their schedules or make changes to their schedules while out of the healthcare institution.
- "No Show" patients.
- Patients who do not speak the same language as available reception staff have difficulty in making appointments or arriving appropriately prepared for their medical visits

Reception staff, as the front line interface between physicians and patients, often bear the largest stress burdens in dealing with both parties' frustrations over appointment issues.

When experienced reception staff leave their places of employment, an already

precarious and stressful situation becomes worse, as retraining replacement personnel is a long, resource-intense process.

Many service industries, most notably the nations' Banks, have automated the majority of their services, by offering these services at Kiosks (Automated Teller Machines-ATM's), as well as over the telephone and over the internet. In so doing, clients have access to these services 24 hours per day, 7 days per week, without waiting. The transactions are performed, for the most part, flawlessly. In addition, new information, policies, and "targeted-information" are "pushed" to the client universally at the time of service delivery. The banks have used this model to become extremely profitable over the past 20 years.

There are many parallels between the healthcare service industry and the banking industry. Both are respected, "old-world", industries, steeped in security issues, and the serious consequences of what happens if service is delivered incorrectly (Mistakes). Both have incredible liabilities if confidentiality is breached. Given the pressing needs in healthcare management, the time is past due to try and incorporate the banking industry's service-delivery model to healthcare appointment making and registration services.

### **General Product Description:**

The Product Suite was designed to Automate most tasks currently performed by front office and back office staff in Service Based Industries.

These Tasks Include:

Setting Schedules

Resource (Human and Equipment) Management

Appointment Making – Using a rules engine and sophisticated scheduling algorithms

Informing Clients of special appointment pre-requisites

Registration

Attendance

Confirmations

Forms Library Stocking

Form Completion

Completed Forms Delivery

Collecting Fees by Credit Card (accounts receivable)

Instructing Clients on where to report to in a "workflow" path

Instructing Resource on where to find updated information in order to best service their client.

Tracking the Resource's reading of new educational materials.

Tracking of Paper-Based records (e.g. Medical Chart)

Customer relations Management (with original proprietary attributes)

Automated report Generation

Automated Message Alerts to different user classes

Although initially developed for the Health Care Industry, it may also be applied to many other Service Based Industries, including:

Accountants, Dentists, Lawyers, Automotive Service, Teleconference Scheduling, Hair Salons, Eye Care Centers, Hearing centers, Laboratory Testing Services, Home Service Technicians, etc.

The Software based product also has many hardware and software interfaces including:

- Self-Serve Internet Based Kiosks (with integrated printers)
- Web Browsers
- Personal Digital Assistants (Windows CE and Palm Operating Systems)
- Interactive Voice response with Speech Recognition
- Bar Code Readers
- Image Scanners

### **Detailed Product Description**

The following describes, in detail the form, function, and attributes of the product. Wherever possible, a screen representation has been included for clearer illustration.

### **Audit Trail**

ALL Create, Read, Change, and Delete data is trackable by User revealing Date, Day, Time Stamp.

### **Security**

ALL Create, Read, Change, and Delete data is definable by specific users and grants permission form these activities down to the "field level", by user class and even specific users.. In addition , in compliance with HIPAA (Health Insurance Portability and Accountability Act, 1996), even specific locations of use can be restricted.

All data is SSL protected and 128 bit encrypted.

### **Master Person Index**

An integrated third party product which ensures that when an individual is registered in the database, they cannot inadvertently create "another instance" of themselves.

### **Personalization PLUS**

This is a collective set of features which each create a higher degree of humanized service delivery than is currently the case. The subset of these features are included in our registration module and include a field for:

**Phonetic Pronunciation of the Registrant's Name** – A field in each user's database record allows them to enter a correct pronunciation of their name. When this Person's name is mentioned by someone in the service organization while on the telephone or in a waiting room. An enhanced customer service feature. Language preference is also recorded here.

**Patient Registration - Microsoft Internet Explorer**

File Edit View Favorites Tools Help

Back Search Favorites History

Address http://24.200.175.114/KMD/cmSched/smdPersonRegistration.asp

Links RealPlayer

**tiny ts® Centre Médical des Bouts de Choux • Medical Center**

**Registration (Step 1 of 5)**

If you are to make appointments for your child and/or dependant, please register yourself first, then you will be able to register him/her.

Salutation*	<input type="button" value="▼"/>		
First Name*	Alegria		
Middle Name		Third Name	
Last Name*	Burko	Suffix	
Title	<input type="button" value="▼"/>		
Mother's maiden name	Pinto		
Greeting/nick name	Alegria		
Phonetic pronunciation of your name	A-Leg-Greeah		
Preferred language	Español <input type="button" value="▼"/>	Gender*	<input checked="" type="radio"/> Male <input type="radio"/> Female <input type="radio"/> Unknown
Birth Date*	Year <input type="button" value="1945"/> August <input type="button" value="▼"/> 17 <input type="button" value="▼"/>		
(*)Indicates mandatory completion			

**Next** Powered by 



Basic other information including (in our HealthCare Product) the names of their doctors, their Pharmacist's contact info, and Insurance company info is entered by the user themselves at this time.

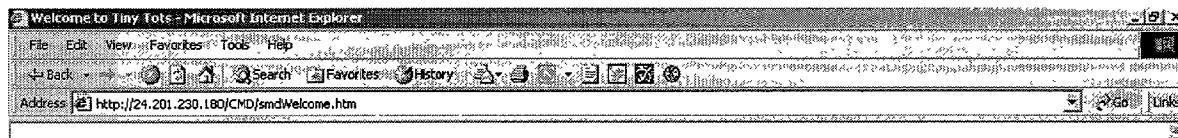
**Personal Profiled Communication Protocols** – Allow a registrant to not only specify where to be reached BUT also, when, how (email, pager, telephone, etc.), and whether or not a message should be left in the event that the precise registrant is not present by telephone (important for "sensitive or Private" healthcare appointments (e.g. Abortion clinic, Cancer Clinic, etc.)

The screenshot shows a Microsoft Internet Explorer window displaying the 'StealthMD - Microsoft Internet Explorer' interface. The address bar shows the URL <http://24.200.175.114/KMD/cmSched/smdMenuFrameSet.htm>. The main content area displays a 'Confirmation & Reminder (Step 7 of 7)' page for a booking with 'NIKOLAOS ANTONOPOULOS' on Friday December 21, 2001 at 2:00PM at 'Tiny Tots Medical Center'. The page includes a reminder notification section with three checkboxes: 'Please notify me of this upcoming appointment', '1 Day(s) before the scheduled date', and 'Mobile: (614) 862-8007'. Below this are three rows for 'Contact me at': 'Mobile: (614) 862-8007' (checked), 'Telephone home: (514) 431-3599' (checked), and 'Telephone work: (514) 631-5282' (unchecked). The status bar at the bottom shows 'Done' and 'Internet 5:50 AM'.

### Multilingual

The Software's "presentation layer" can be in any language. This extends itself to the Web Browser, Personal Digital Assistant, and Telephone versions of the product. A translation Editor is built into the product, allowing an authorized translator to translate

all column headings, table headings, tool tips, and data elements into other desired languages with ease.



Centre Médical des Bouts de Choux

**tiny tots®**

WELCOME BIENVENUE  
VALKOMMEN FÁILTE WITAMY

VITAJTE BÉNVENUTI BITAE MO BUN VEN IT  
GRUEZI SHÉ:KON SKENN'KÓ:WA W LLKOMMEN  
TERVETULOA JORRO DOS'L ISTEN HOZTA  
CHAO MUÑC TULOY PO KAYO WELCOM  
JAMBO QU EOQ DI AWADA WELCOMMEN  
MOUNIN KONTAN OUË OU BIENVENIDOS

Web Tag Name	Base Description	Target Description	Base ToolTip
PLEASELOGIN_LBL	Please Identify Yourself	Veuillez vous identifier	Please Identify Yourself
PARENTS_LBL			
PASSWORD_LBL			
PLEASELOGIN_LBL			
PWD_LBL			
Title_LBL			
UID_LBL			
USERNAME_LBL			

## Security

Access to personal information as well as who has the right to view schedule or registration information or create appointments for registered users are strictly controlled. An original proprietary "Register a dependant" feature is part of this registration process. In addition, work-sparing logic allows one to work with pre-existing data from previous databases without having to laboriously re-enter it. It is a key business enabler and believed to be original and proprietary.

**Dependant registration - Microsoft Internet Explorer**

File Edit View Favorites Tools Help

Back Home Search Favorites History

Address http://24.200.175.114/KMD/cmSched/smdDependantReg.asp

Links RealPlayer

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**Dependant Registration (step 5 of 5)**

To register family members or dependants of yours, click the 'Register Dependents' button

Dependant Type	<input checked="" type="radio"/> Register an existing patient of the clinic <input type="radio"/> Register a new patient
Relation Type	Father

Below is a current listing of all registered family members or dependants of yours

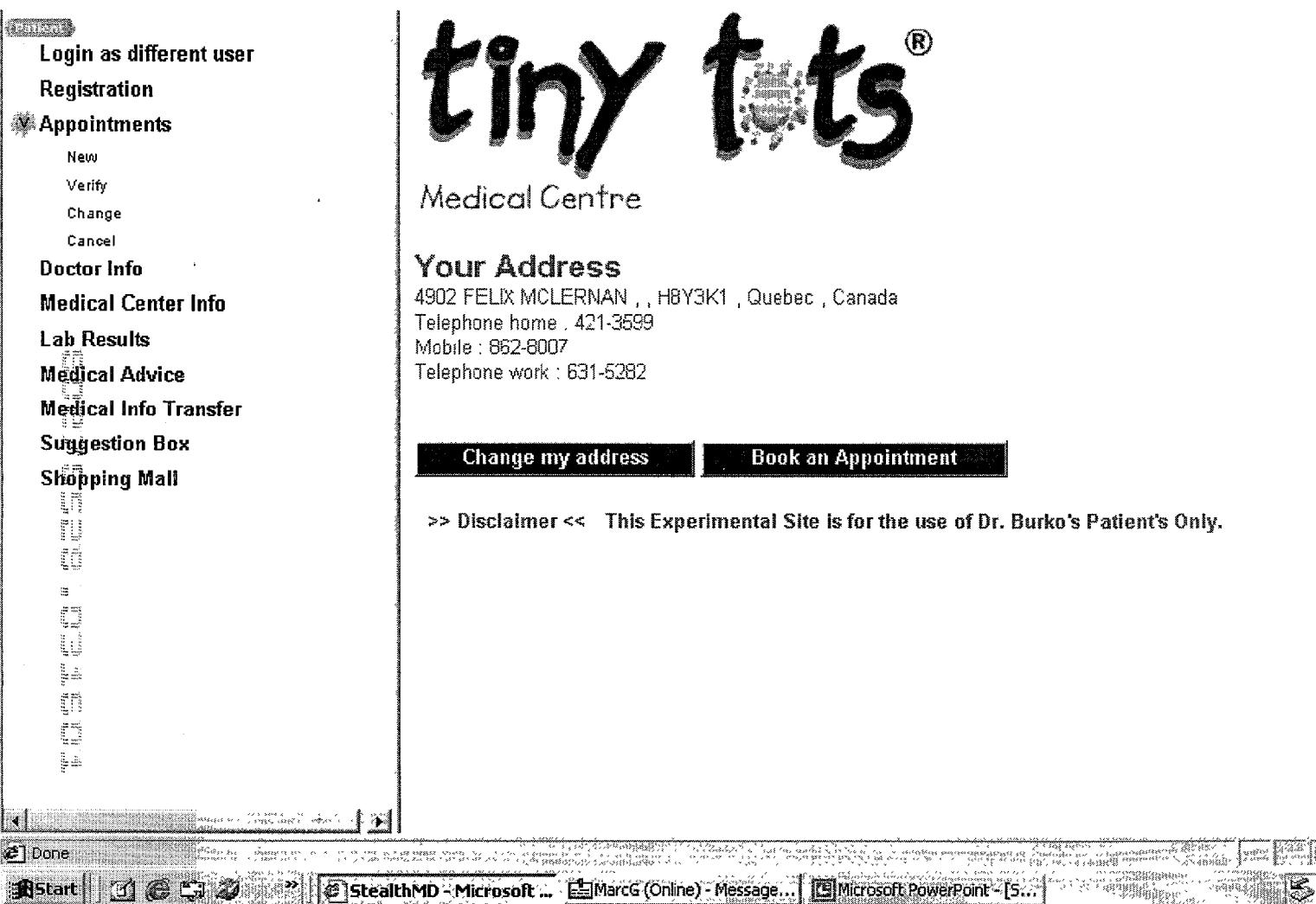
Registered Dependant	Patient Id	Relation	Clear
Burko, Alegria	New8	Wife	X
Burko, Judy	New5	Father	X

Previous Register Dependents Finish Powered by 

### Appointment Making Module

This consumer friendly application has many original proprietary aspects to its functioning.

The process starts out by asking the client to login securely (Username and Password) followed by being presented with a greeting page:



The user is presented with their basic contact information and is given the opportunity to correct any errors. This process ensures that contact data is always correct.

Upon choosing the option of "Book an appointment", the User can specify a precise desired date and time for this appointment, or simply "as soon as possible". In addition, if services are available in multiple locations, a precise location may be specified.

StealthMD - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Search Favorites History

Address http://24.201.230.180/CMD/smdMenuFrameSet.htm

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Medical Centre

**Patient**

**Login as different user**

**Registration**

**Appointments**

New  
Verify  
Change  
Cancel

**Doctor Info**

**Medical Center Info**

**Last Results**

**ANTONOPULOS**

**Appointment Request (step 1 of 7)**

For NIKOLAOS ANTONOPOULOS

Location\*

Desired date & time\*  I want an appointment as soon as possible  
 Specific date and time

(\*)Indicates mandatory completion

**Next** Powered by 

Cancel Start over Previous Next

Internet

After selecting which User is to get an appointment, one can select who or what department shall deliver the service (as it is not always known exactly who you are to be seeing, although if you already have a specific doctor, you can name them as your desired physician.

Microsoft Internet Explorer

Favorites Tools Help

Search Favorites History

24.200.175.114/KMD/cmSched/smdMenuFrameSet.htm

beta de Chouk

cts®

parent user

s

**Appointment Doctor (Step 2 of 7)**

Please choose one of the following options to get a doctor for this appointment

For CHRISTOS ANTONOPOULOS

Specific doctor

Specialty

(\*)Indicates mandatory completion

Previous Next Powered by Stealth

The user then chooses a category of visit. These Categories are System Administrator definable, and serve as logical groupings for appointment types which share similar characteristics as well as similar rules.

Microsoft Internet Explorer

Tools Help

Search Favorites History

.114/KMD/cmSched/smdMenuFrameSet.htm

x

®

Appointment Category (Step 3 of 7)

For CHRISTOS ANTONOPOULOS

Appointment category\*

Check-up

Check-up

Follow-up

Procedures

Sick

Vaccine ONLY

(\*)Indicates mandatory completion

Previous Next Powered by Stealth



After selecting which User is to get an appointment, one can select who or what department shall deliver the service (as it is not always known exactly who you are to be seeing, although if you already have a specific doctor, you can name them as your desired physician.

The screenshot shows a Microsoft Internet Explorer window with the title bar "Microsoft Internet Explorer". The address bar contains the URL "24.200.175.114/KMD/cmSched/smdMenuFrameSet.htm". The main content area displays the "Appointment Doctor (Step 2 of 7)" page. The page header says "Please choose one of the following options to get a doctor for this appointment". It includes two radio button options: "For CHRISTOS ANTONOPOULOS" and "Specific doctor" (selected) with the value "Burko, Benjamin" and "Specialty" (Pediatric Allergy). A note "(\*)Indicates mandatory completion" is present. Navigation buttons "Previous" and "Next" are at the bottom, along with a "Powered by Stealth" logo.

The user then chooses a category of visit. These Categories are System Administrator definable, and serve as logical groupings for appointment types which share similar characteristics as well as similar rules.

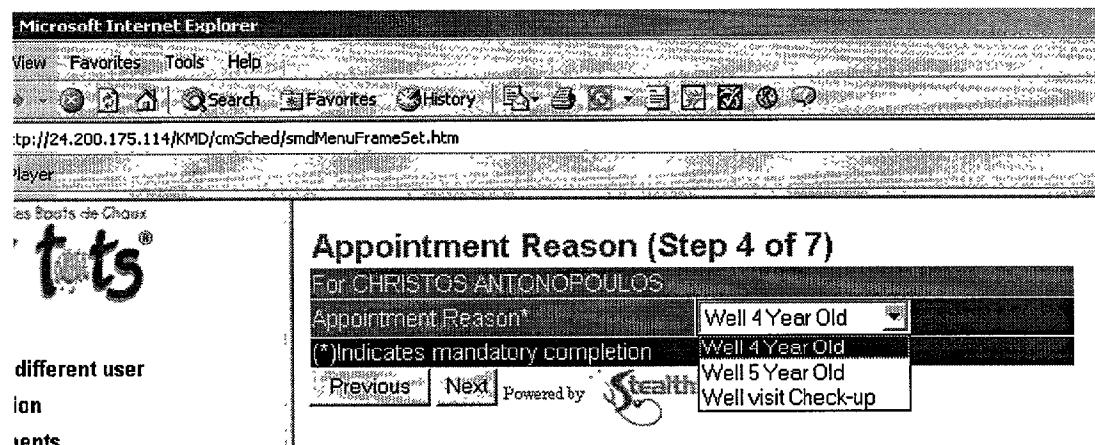
The screenshot shows a Microsoft Internet Explorer window with the title bar "Microsoft Internet Explorer". The address bar contains the URL ".114/KMD/cmSched/smdMenuFrameSet.htm". The main content area displays the "Appointment Category (Step 3 of 7)" page. The page header says "For CHRISTOS ANTONOPOULOS". It includes an "Appointment category\*" dropdown menu with the value "Check-up" and a note "(\*)Indicates mandatory completion". A list of categories is shown in a dropdown menu: "Check-up", "Follow-up", "Procedures", "Sick", and "Vaccine ONLY". Navigation buttons "Previous" and "Next" are at the bottom, along with a "Powered by Stealth" logo.

Each Category has different "Visit types" assigned to it. Depending upon which

category is chosen, and appropriate corresponding list of visits presents on the next page.

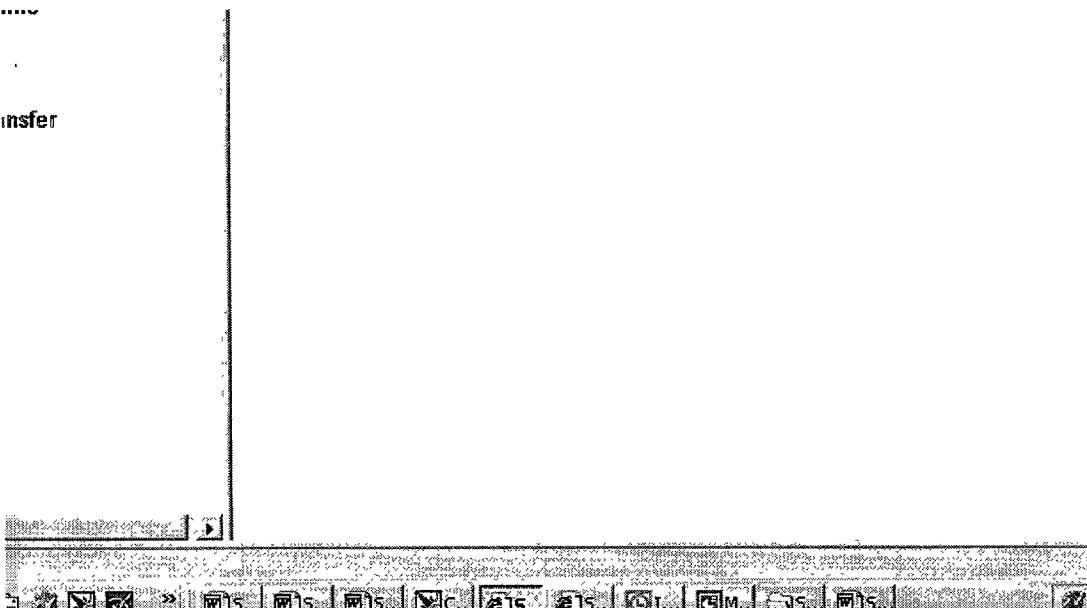
To illustrate some of the business logic:

If a Preventative Health Visit (e.g. Check-up) is chosen, the following page reveals the appropriately protocol visit by the patient's age (different procedures/vaccines/questionnaires are completed at each visit depending upon the age of the patient), as well as a range of other visits in case a missed visit needs to be compensated for. This is a original proprietary feature.



Had a "Sick" visit Category been selected, a small questionnaire comes up in the next page to help gather data about the patient's illness, in order to use this data for "triage" (either automated or semi-automated). This data is very rich for informational processing and has never previously been gathered. It is a Original proprietary Feature. Colloquial medical Terms commonly used by patients are provided for by a third party product data dictionary.

In the event that more than one patient needs to be scheduled at the same time,



the logged in user is given that option now, for all persons for whom (s)he has authority.

soft Internet Explorer

Favorites Tools Help

Search Favorites History

200.175.114/KMD/cm5ched/smdMenuFrameSet.htm

de Choisir ts®

nt user

Info

**Appointment Request (Step 2 of 7)**

Please select the names of all patients for whom you are making simultaneous or back-to-back appointments.

at Tiny Tots Medical Center on 2001-03-14 at 9:00AM

Patient Name	Sex	BirthDay	Appointment Request	X
CHRISTOS				X
ANTONOPoulos	M	1996-10-29	With Dr Benjamin Burko For Skin Problem	X
NIKOLAOS	M	1997-11-28		X
ANTONOPoulos	M			X
THEODORE				X
ANTONOPoulos		1965-01-01		X

**Cancel Start over Previous Next**

The User's tolerance for waiting between concurrent appointments is requested.  
This is an original proprietary feature.

soft Internet Explorer

Favorites Tools Help

Search Favorites History

200.175.114/KMD/cm5ched/smdMenuFrameSet.htm

de Choisir ts®

nt user

**Appointment Waiting Time**

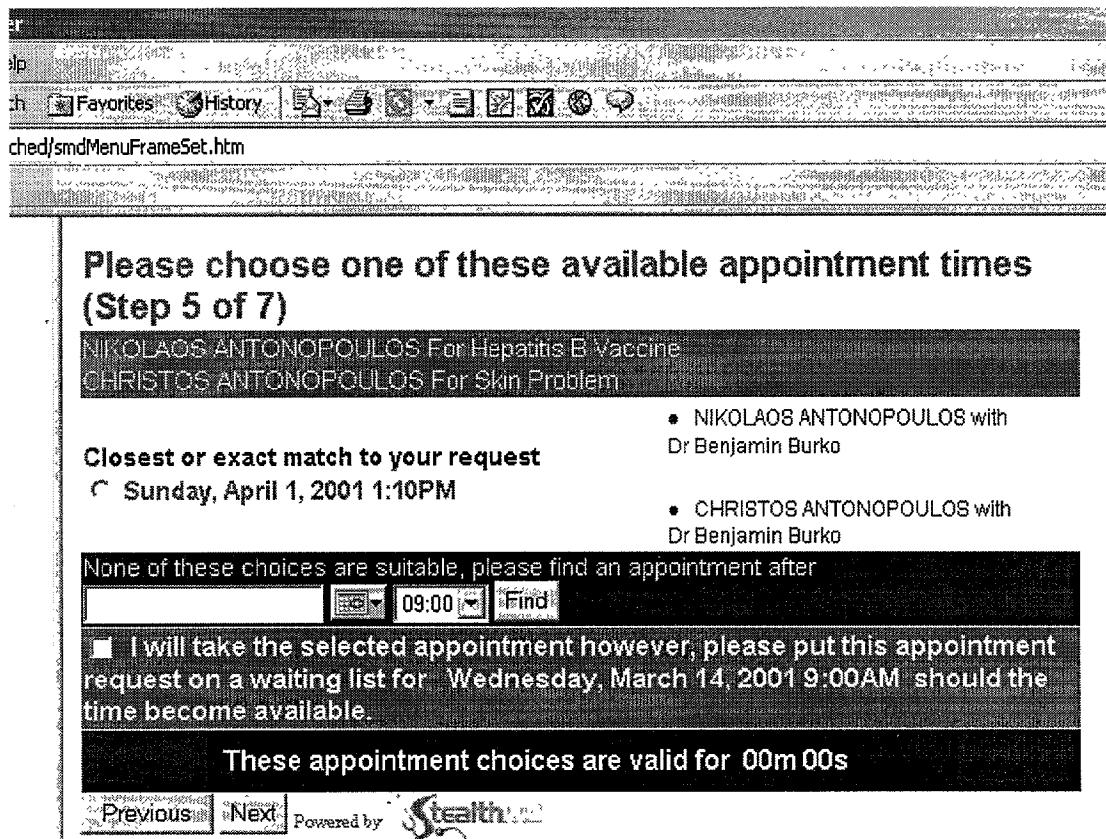
In the event that concurrent or back-to-back appointments cannot be found, please specify the maximum acceptable waiting time between appointments

Maximum acceptable waiting time between appointments:  Minutes

(\* )Indicates mandatory completion

**Previous Next** Powered by

The User is presented with choices corresponding to their request that best accommodate their needs and are offered an opportunity to place themselves on an automated waiting list should a more suitable appointment become available. This is a proprietary original feature.



Another Variation of this screen offers a variety of appointments which include algorithmic generation of appointments that resemble the desired appointment:  
Closest Available.

Same Time, Different day

Same Day, different time

Same Day, Same Time, Different week.

This assemblage of offerings is very consumer focused and is original and proprietary.

The screenshot shows a web-based appointment scheduling interface. At the top, there's a browser toolbar with 'Favorites', 'Tools', and 'Help' buttons, along with standard navigation icons like back, forward, and search. The URL in the address bar is '200.175.114/KMD/cmSched/smndMenuFrameSet.htm'. On the left, there's a vertical sidebar with menu items: 'Info' (selected), 'Search', 'Transfer', 'Logout', and 'Help'. The main content area has a title 'Please choose one of these available appointment times (Step 5 of 7)'. It lists three categories of appointment choices:

- Closest or exact match to your request**:
  - Wednesday, March 14, 2001 9:00AM
- Closest time, Next available day**:
  - Thursday, March 15, 2001 9:00AM
- Closest time & day in next available week**:
  - Wednesday, March 21, 2001 9:00AM

Each choice is preceded by a bullet point followed by the provider name and their name. Below these choices is a message: 'None of these choices are suitable, please find an appointment after'. There are buttons for 'Previous' and 'Next', and a 'Find' button. A note below says 'These appointment choices are valid for 00m 01s'. At the bottom right of the main content area is a 'Stealth' logo.

The Next Screen is designed to 1) make the user responsible for the reserved appointment time they have selected (by way of published rules regarding cancellation policies), 2) as well as responsible for any "pre-requisite" information they best know prior to attending the visit. In addition, 3) terms of payment are addressed in the event that comprehensive insurance coverage is not available, and guaranteed payment can be secured by credit card.

All 3 of these concepts are original and proprietary to medicine. The appointment will not be awarded unless the terms have been agreed to. The other informational pre-requisites may reside anywhere on the internet or on an intranet and are pointed to by a URL.

## Appointment Terms & Conditions (step 6 of 7)

NIKOLAOS ANTONOPOULOS

You are tentatively booked with Dr Benjamin Burko For Hepatitis B Vaccine At Tiny Tots Medical Center On Friday December 22 2000 at 4:05PM providing that you are in agreement with the following terms.

Terms for this appointment [Print](#)

1. If you fail to show-up for this appointment or cancel less than 60 Minute(s) before the scheduled time, a \$30.00 fee will be charged to your account.
2. COPAY \$10.00 Method of payment



• Other:

Card holder's name\*

Card number\*

Expiry date\*

3. This visit should be canceled if your child is unwell. For further information about Hepatitis B vaccine, please visit:

I have read and I accept the above terms for this appointment.

[Cancel](#) [Next](#)

Once terms have been agreed upon, the appointment is awarded, and the patient can choose their own means of confirmation as well as the best hours to complete that. In addition, privacy can be maintained if the user does not wish for a message to be left. These are Original Proprietary Features.

Explorer

Tools Help

Search Favorites History

CMD/cmSched/smdMenuFrameSet.htm

## Confirmation & Reminder (Step 7 of 7)

Booking(s)

- ALEXANDER MAZUR

With Dr Benjamin Burko For Behaviour Problems On Wednesday March 14, 2001 at 12:30PM

At Tiny Tots Medical Center

Reminder notification

Please notify me of this upcoming appointment

Day(s)  before the scheduled date

Contact me at

Do not Leave Message	Do not call earlier than	Do not call later than	Anytime
----------------------	--------------------------	------------------------	---------

Telephone home (514) 744-1503

Telephone work (514) 846-1519

Telephone mobile (514) 846-1520

Telephone fax (514) 846-1530

Anytime

Telephone home (514) 744-1503

Telephone work (514) 846-1519

Telephone mobile (514) 846-1520

Telephone fax (514) 846-1530

Telephone home (514) 744-1503

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Telephone work (514) 846-1519

Telephone mobile (514) 846-1520

Telephone fax (514) 846-1530

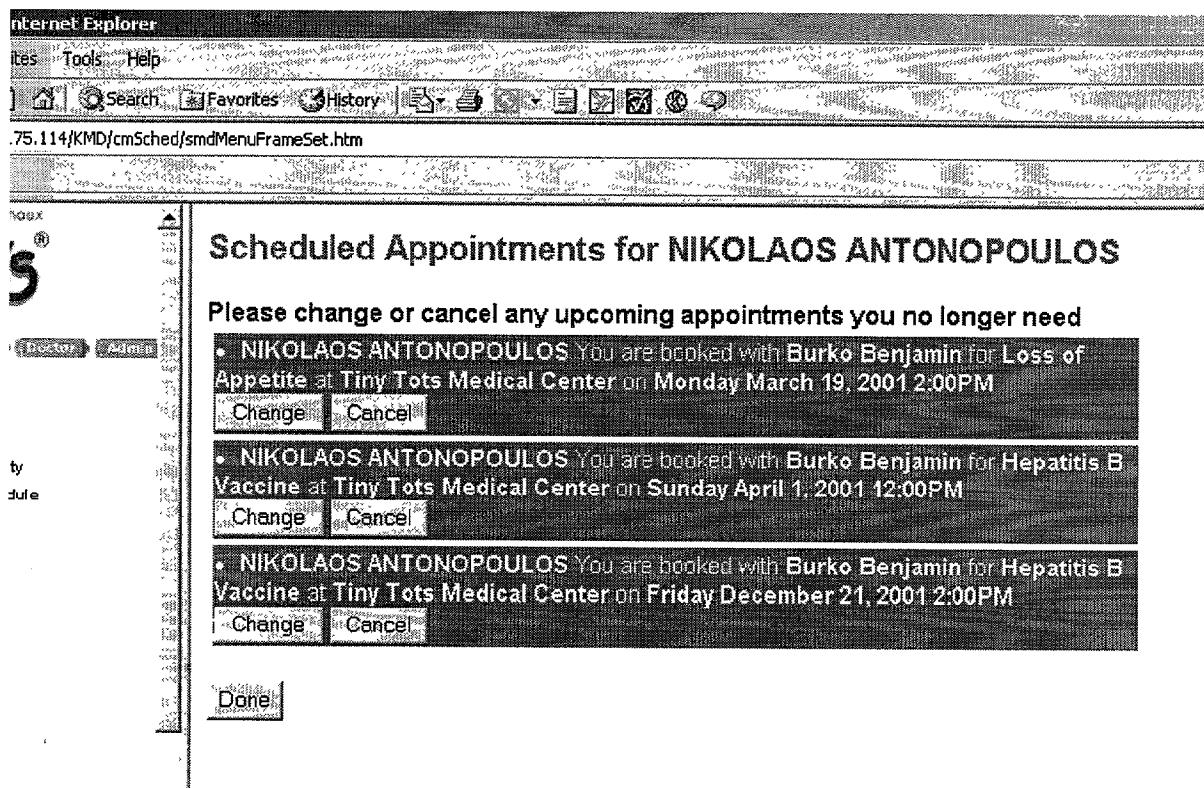
Telephone home (514) 744-1503

Telephone work (514) 846-1519

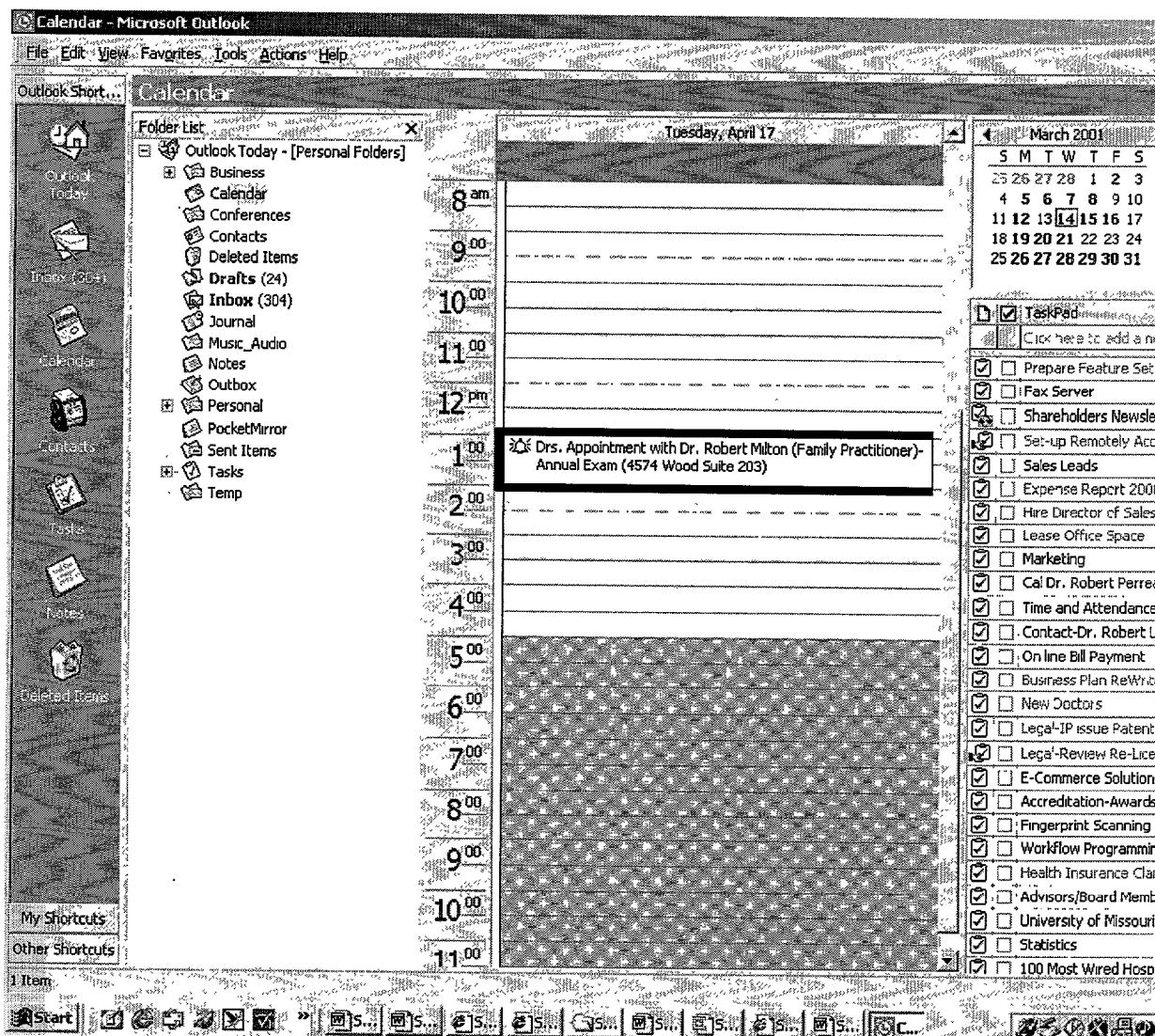
Telephone mobile (514) 846-1520

Telephone fax (514) 846-1530

The User is presented ("pushed") with a list of all upcoming appointments at the time of appointment making. In this way, any un-needed appointments can be cancelled and "liberated" earlier, prompting efficient use of appointment time and better customer satisfaction.



At the conclusion of the appointment making routine, an immediate confirmation is sent out for those who are Email enabled. The format is compatible with Microsoft's Outlook, such that the appointment loads directly into the end user's agenda. This is an Original Proprietary Feature.



## Appointment Confirmations

Appointments are confirmed in several manners:

- A) Automated Telephone using a third-party, interactive, outbound calling system, which calls the telephone numbers indicated by the user, asks them for a password, and then proceeds to give upcoming appointment information. (Where, When, Special Instructions and doctor's name)
  - B) By Email
  - C) By human attendant who has a list of appointments to be confirmed pushed to them whenever they are idle.

The Confirmation status for the appointment is displayed on the appointment screen and is signified by the symbol of a telephone with a color status:

**White – Not yet attempted to confirm**

**Green – Confirmed**

**Yellow – Message Left**

Red – Confirmation attempted, no person contacted, no message left

In addition, a tool tip explains the colour code "legend".

Schedule for	Burko Benjamin	Date	2000.12.11	Go!	Now	Main Menu	Cancel Me	Print
Monday, December 11, 2000								
Tiny Tots Medical Center								
16:00	LUTON'D-JOYBI MUBILANZILA	1y10m	514-482-9638			Double-booking permitted.		
16:10	Well 2 Year Old							
16:30	ELENA POULAKIS	5y5m	450-969-1315	\$75 RAMQ card expired			Double-booking permitted.	
16:40	Well 6 Year Old							
16:45						Confirmation Status Left message		
17:00	TALIA CARON-PALLADINI	2y0m	514-626-7696					
17:15	Well 2 Year Old							
17:30	CLAIRE LU	2y1m	514-696-8461					
17:45	Well 2 Year Old							
18:00	NATASHA GONZALEZ	9y2m	1					
	Well 9 Year Old							
18:15	SHAWN VAUDEVILLE	1y6m	421-0211					
	Cold Mild 0 Day(s)							
18:30	JARED WISHIA	3y0m	Today	514-620-5214				
18:45	Well 3 Year Old							
19:00	EWEN TREMAINE	2y4m	514-631-6977					
19:15	Well 2 Year Old							
19:30	GENEVIEVE SAHAROV	1y4m	514-457-1333					
19:45	Well 15 Month old							
<a href="#">Patient Details</a>   <a href="#">Patient Info</a>   <a href="#">Demographics</a>   <a href="#">Ordering</a>   <a href="#">Visit History</a>   <a href="#">Visit Summary</a>   <a href="#">Print</a>								
Visit Encounter for EWEN TREMAINE				Follow-ups			Visit Comments	
Reason for visit		Well 2 Year Old	Visit	0	Day(s)			

### Attendance Status

The system monitors and records the following aspects of attending one's appointment:

- a) Having Attended or Not ("No Show") (symbolized by red X over Chair on far left of schedule)
- b) Having arrived on time (Symbolized by person seated in chair) vs. Late (symbolized by person seated in chair with red clock next to them)
- c) Having Walked in without an appointment (symbolized by person standing next to door)

Moreover this information is available in a list and tabulates across all family members.

Appointment granting rules can be applied against an absolute count of these incidences. There are also purging routines if certain amounts of time pass between incidences or if penalties have been paid.

The screenshot shows a software interface for scheduling patient visits. At the top, it says "Schedule for" followed by "Burko Benjamin" and the date "2000.3.30". The main area is a grid showing appointments from 16:00 to 19:45. Each row contains the start time, a small icon of a person, the patient's name, age, phone number, and a unique identifier. To the right of each row are two small icons: a clipboard and a folder. The rows are as follows:

Time	Patient	Age	Phone	ID
16:00	LUTON'D-JOYBI MUBILANZILA	1y10m	514-	514
16:10		Well 2 Year Old		
16:15				
16:30	ELENA POULAKIS	5y5m	450-969-1315	\$75
16:40		Well 6 Year Old		
16:45				
17:00	TALIA CARON-PALLADINI	2y0m	514-626-7	
17:15		Well 2 Year Old		
17:30	CLAIRE LU	2y1m	514-696-8461	
17:45		Well 2 Year Old		
18:00	NATASHA GONZALEZ	9y2m	1	
		Well 9 Year Old		
18:15	SHAWN VAUDEVILLE	1y6m	421-0211	
		Cold Mild 0 Day(s)		
18:30	JARED WISNIA	3y0m	Today	514-620-5
18:45		Well 3 Year Old		
19:00	EWEN TREMAINE	2y4m	514-631-6977	
19:15		Well 2 Year Old		
19:30	X GENEVIEVE SAHAROV	1y4m	514-457-1333	
19:45		Well 15 Month old		

At the bottom, there are tabs for "Visit Encounter", "Patient Info", "Demographics", and "Ref". Below that, it says "Visit Encounter for EWEN TREMAINE" and "Reason for visit Well 2 Year Old".

### **Wait Report Feature**

This feature allows an end-user who is holding an appointment to check, prior to departing for that appointment, if that appointment will in fact take place on time. This feature is available in an automated fashion over the telephone, or over the internet. It requires that the professional with whom the appointment is taking place, regularly updates where they are at in their schedule. The professional (or administrator) may also specify an "offset" such that even if the appointment would take place perfectly on time, the individual is asked to come X minutes before, such that the Professional is never kept waiting. The feature is Original to any industry other than the Travel Industry.

### **Schedule Setting**

The Schedule setting and rule setting features are Unique.

There is a sequence of events that must be done in order to ensure optimal scheduling that "follows all the rules".

1. Define all the individual visit types which occur
2. Define Categories of Visit Types
3. Define Global Default Settings for the following parameters BY LOCATION, and for all Practitioners by visit Category:
  - a) Price of Visit
  - b) Additional Charges for Visit Category
  - c) Need for a referral for this visit Category
  - d) Default length of time needed for this visit category
  - e) Equipment Needed for this Visit Category
  - f) Disposable Supplies typically used for this visit category
  - g) Additional Human resource needed for this visit category (e.g. Nurse)
  - h) Assign Specific Rooms to this vist Category
  - i) Informational Pre-requisites needed to be known by end user prior to taking appointment for this visit category
  - j) Information needed to be given to end user when they arrive for this visit category
  - k) Acceptable Cancellation time for this visit category
  - l) Price charged to end user in the event of a failed attendance or late cancellation .
  - m) Questionnaire available for this visit category
4. Assign acceptable visit types by practitioner by location
5. Change any default parameters set up in globalization

**Related Proceedings Appendix**

*per 37 CFR §41.37(c)(1)(x)*

No decisions have been rendered by a court or the Board in the related proceedings as identified under 37 CFR §41.37(c)(1)(ii).